

# FINAL BILL REPORT

## SJM 8006

---

---

As Passed Legislature

**Brief Description:** Asking Congress to propose a constitutional amendment to prohibit the physical desecration of the flag.

**Sponsors:** Senators Oke, Owen, Roach, Hochstatter, Snyder, Schow, Cantu, Long, Hale, Swecker, A. Anderson, Palmer, Sellar, Deccio, Morton, McDonald, Prince, Johnson, Winsley, Bauer and Rasmussen.

**Senate Committee on Law & Justice**

**House Committee on Government Operations**

**Background:** In 1989 the United States Supreme Court struck down the conviction of a protester for burning a flag in violation of a Texas law. The court held that the application of the Texas law violated the free speech guarantees of the First Amendment to the United States Constitution.

Congress responded by passing the Flag Protection Act of 1989, which made it a crime to knowingly mutilate, deface or burn a United States flag. In 1990, the Supreme Court held that such a law was unconstitutional on free speech grounds protected by the First Amendment of the United States Constitution. The court held that the government may not statutorily prohibit the expression of an idea simply because society finds the idea offensive or disagreeable.

**Summary:** Congress is requested to propose an amendment to the United States Constitution for ratification by the states specifying that Congress and the states have the power to prohibit the physical desecration of the United States flag.

**Votes on Final Passage:**

Senate	40	6
House	75	21